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MONTANA CONSTITUTIONAL CONVENTION

1971-1972

EXECUTIVE COMMITTEE PROPOSAL

Date Reported FEB 17 1972

Thomas Joyce Chairman  
Garland Vice Chairman

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Date: February 16, 1972

To: MONTANA CONSTITUTIONAL CONVENTION

From: Executive Committee

Ladies and Gentlemen:

The Executive Committee transmits herewith a proposed new executive article replacing Articles II, VII and XIV of the present Constitution.

In summary it repeals Article II relating to now abandoned military posts entirely, inserts the militia provision of Article XIV into the new executive article, and completely rewrites the executive article. The changes and reasons therefor are set forth in the comments after each new section.

The new article makes these changes.

(1) It eliminates from the constitution, but does not abolish, the state treasurer, state auditor, state examiner, board of pardons, board of examiners and board of prison commissioners;

(2) The lieutenant governor and governor must run as a team in the primary and general elections.

(3) The office of lieutenant governor is permitted to be a full time position.

(4) It provides the superintendent of public instruction may be made an appointive office by the legislature in the future.

(5) The salaries of elected officials may be increased but not decreased during the term.

(6) The executive budget is given constitutional recognition.

(7) The governor's veto power is modified by permitting the amendatory veto and the "pocket" veto is eliminated.

(8) The lieutenant governor will not assume the powers of governor until he is absent from the state for 45 days, unless the governor authorizes him in writing to so act in the first 45 day period.

(9) It establishes a comprehensive disability procedure to determine the disability of the governor.

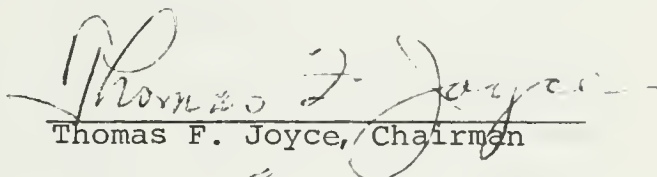
(10) It clarifies the filling of vacancies of elected offices.

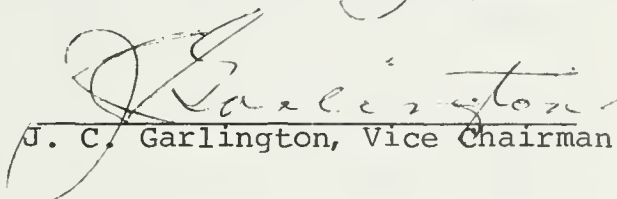
The committee is grateful to all the elected state officials, past and present, the administrative department heads, the delegates who submitted proposals and all who appeared before the committee. Special thanks go to Miss Karen Beck, our research analyst, and John Crawford, the college intern assigned to our committee and to our efficient and conscientious secretary, Mrs. Barbara Lester.

By signing the majority proposal the committee members do not necessarily endorse each and every provision therein contained.



We trust that we have submitted an improved executive article for the consideration of the delegates and will graciously accept their final decision in the premises.

  
Thomas F. Joyce, Chairman

  
J. C. Garlington, Vice Chairman



MAJORITY REPORT

1 BE IT PROPOSED BY THE EXECUTIVE COMMITTEE:

2 That there be a new Article on the Executive to read  
3 as follows:

4  
5 ARTICLE

6 THE EXECUTIVE

7 Section 1. OFFICERS. (1) The executive department  
8 shall consist of a governor, lieutenant governor, secretary  
9 of state, attorney general, and superintendent of public  
10 instruction.

11 (2) The superintendent of public instruction shall  
12 be the chief educational officer of the state, and shall  
13 have such qualifications, duties, salary, term of office  
14 and manner of election or selection as is provided by law.

15 (3) Except as herein provided for the superintendent  
16 of public instruction, each shall hold his office for a  
17 term of four years, commencing on the first Monday of  
18 January next succeeding his election and until a successor  
19 is elected and qualified.

20 (4) Each shall reside at the seat of government,  
21 where he shall keep the public records of his office.

22 (5) Each shall perform such duties as are prescribed  
23 in this constitution, and by law.

24 Section 2. ELECTION. (1) The governor, lieutenant  
25 governor, secretary of state, attorney general and the  
26 superintendent of public instruction, if his election is  
27 provided by law, shall be elected by the qualified electors  
28 of the state at a general election held and finally  
29 determined as provided by law.

30 (2) Each candidate for governor shall file jointly



1 with a candidate for lieutenant governor in primary  
2 elections, or otherwise comply with nomination procedures,  
3 so that the offices of governor and lieutenant governor  
4 shall be voted upon together in primary and general elec-  
5 tions, as provided by law.

6 Section 3. QUALIFICATIONS. (1) Any person shall  
7 be eligible to the office of governor, lieutenant governor  
8 or secretary of state if he or she is a citizen of the  
9 United States, a resident of Montana for two years next  
10 preceding the election, and is otherwise a qualified  
11 voter.

12 (2) In addition to the foregoing qualifications, any  
13 person to be eligible to the office of attorney general  
14 shall be an attorney in good standing admitted to practice  
15 law in the state of Montana, and have engaged in the active  
16 practice thereof for five years before election.

17 Section 4. DUTIES. (1) The executive power of the  
18 state is vested in the governor, who shall see that the laws  
19 are faithfully executed. He shall have such other duties  
20 as are herein provided, and as provided by law.

21 (2) The lieutenant governor shall perform the duties  
22 delegated to him by the governor, and those provided for  
23 him by law, but no power specifically vested in the governor  
24 by this constitution may be delegated to the lieutenant  
25 governor in this manner.

26 (3) The secretary of state shall maintain the offi-  
27 cial records of the acts of the legislative assembly, and  
28 of the executive department, as provided by law. He  
29 shall keep the great seal of the state of Montana, and  
30 perform any other duties provided by law.

1 (4) The attorney general shall be the legal officer  
2 of the state, with the duties and powers provided by law.

3 Section 5. COMPENSATION. (1) Officers of the  
4 executive department shall receive salaries provided by  
5 law, which may be increased but not decreased during the  
6 term of office.

7 (2) No elected officer of the executive department  
8 may during his term hold any other public office, or receive  
9 compensation for his services from any governmental agency.  
10 He may be a candidate for any public office during his term.

11 Section 6. VACANCY IN OFFICE. (1) If the office of  
12 lieutenant governor becomes vacant by his succession to  
13 the office of governor, or by his death, resignation or  
14 disability as determined by law, the governor shall appoint  
15 a qualified person to hold and serve in that office for the  
16 remainder of its term.

17 (2) If the office of secretary of state or attorney  
18 general becomes vacant by death, resignation or disability  
19 as determined by law, the governor shall appoint a qualified  
20 person to hold and serve in that office until the next  
21 general election and until his successor is elected and  
22 qualified. The person elected to fill such vacancy shall  
23 hold the office until the expiration of the term for which  
24 the person he succeeds was elected.

25 (3) If the office of superintendent of public instruc-  
26 tion becomes vacant, it shall be filled in the manner  
27 above provided if it is at that time an elective office;  
28 otherwise it shall be filled as provided by law.

29 Section 7. 20 DEPARTMENTS. All executive and adminis-  
30 trative offices, boards, bureaus, commissions, agencies and

1 instrumentalities of the executive department of state govern-  
2 ment and their respective functions, powers, and duties,  
3 except for the office of governor, lieutenant governor,  
4 secretary of state, attorney general and superintendent of  
5 public instruction shall be allocated by law among and  
6 within not more than 20 departments. Subsequently, all  
7 new powers or functions shall be assigned to departments,  
8 divisions, sections, or units in such manner as will tend  
9 to provide an orderly arrangement in the administrative  
10 organization of state government. Temporary commissions may  
11 be established by law and need not be allocated within a  
12 principal department.

13 Section 8. APPOINTING POWER. (1) The principal  
14 departments provided for in section 7 shall be under the  
15 supervision of the governor, and, except as otherwise  
16 provided herein or by law, shall be headed by a single  
17 executive appointed by the governor and subject to confir-  
18 mation by the legislature. Such executives shall hold  
19 office until the end of the term of the governor, unless  
20 sooner removed by the governor.

21 (2) The governor shall appoint, subject to confirmation  
22 by the legislature all officers provided for by this consti-  
23 tution or by law and whose appointment or election or term  
24 is not otherwise provided for. They shall hold office  
25 until the end of the term of the governor unless sooner  
26 removed by the governor.

27 (3) If a vacancy in any such office occurs during a  
28 recess of the legislature, the governor shall appoint some  
29 fit person to discharge the duties thereof until the next  
30 meeting of the legislature, when the office shall be filled

1 by appointment and confirmation.

2 (4) No person not confirmed by the legislature for an  
3 office shall, except at its request, be nominated again for  
4 that office at the same session, or be appointed to that  
5 office during a recess of the legislature.

6 Section 9. BUDGET AND MESSAGES. The governor shall  
7 at the beginning of each legislative session, and may at  
8 other times, give the legislature information and recommend  
9 measures he considers necessary. The governor shall submit  
10 to the legislature at a time fixed by law, a budget for  
11 the ensuing fiscal period setting forth in detail, for all  
12 operating funds, the proposed expenditures and estimated  
13 revenue of the state.

14 Section 10. VETO POWER. (1) All bills passed by  
15 the legislature, except bills proposing amendments to the  
16 Montana constitution, bills ratifying proposed amendments  
17 to the United States constitution, resolutions, and  
18 initiative and referendum measures, shall be submitted to  
19 the governor who shall sign or veto every bill within five  
20 days after its delivery to him if the legislature is in  
21 session, or within 25 days if the legislature is adjourned.  
22 The governor shall return vetoed bills to the legislature  
23 with a statement of his objections.

24 (2) The governor may return any bill to the legisla-  
25 ture with his objections and with a recommendation for an  
26 amendment or amendments to it. If the legislature passes  
27 the bill in accordance with the governor's recommendation,  
28 it shall again return the bill to the governor for his  
29 reconsideration. The governor shall not return a bill a  
30 second time, for amendment.



1           (3) Upon receipt of a veto message, the legislature  
2 shall reconsider passage of the vetoed bill. A two-thirds  
3 vote of the members present overrides the veto, and the  
4 bill shall become law.

5           (4) If the legislature is not in session when the  
6 governor vetoes a bill, he shall return the bill with his  
7 objections to the legislature in a manner authorized by law.  
8 The legislature, as provided in section 11, may reconvene  
9 itself to reconsider any bills so vetoed by the governor.

10          (5) The governor may veto items in appropriation  
11 bills, and in such instances the procedure shall be the  
12 same as upon veto of an entire bill.

13          Section 11. SPECIAL SESSION. Whenever the governor  
14 considers it in the public interest, he may convene the  
15 legislature, either house, or the two houses in joint  
16 session. At the written request of two-thirds of the  
17 members of each house, the presiding officers of both  
18 houses shall convene the legislature in special session.

19          Section 12. PARDONS. The governor shall have the  
20 power to grant reprieves, commutations and pardons after  
21 conviction, reinstate citizenship and may suspend and remit  
22 fines and forfeitures subject to procedures prescribed by  
23 law.

24          Section 13. MILITIA. (1) The governor shall be  
25 commander-in-chief of the militia forces of the state,  
26 except when these forces are in the actual service of the  
27 United States, and shall have power to call out any part of  
28 the whole of said forces to aid in the execution of the  
29 laws, to suppress insurrection or to repel invasion.

30          (2) The militia forces shall consist of all able-bodied

1 citizens of the state except such persons as are exempted  
2 by law.

3 Section 14. SUCCESSION. (1) If the governor elect  
4 is disqualified, or dies, the lieutenant governor-elect  
5 upon qualifying for the office shall become governor for  
6 the full term. If the governor-elect fails to assume  
7 office for any other reason, the lieutenant governor-elect  
8 upon qualifying as such shall serve as acting governor until  
9 the governor elect qualifies for office, or until the  
10 office becomes vacant.

11 (2) The lieutenant governor shall serve as acting  
12 governor when requested in writing by the governor to do so.  
13 He shall serve as acting governor during the absence from the  
14 state of the governor for any period in excess of 45 days.

15 (3) He shall also serve as acting governor when the  
16 governor is disabled and by reason of that disability is  
17 unable to communicate to the lieutenant governor the fact  
18 of his inability to perform the duties of his office. The  
19 lieutenant governor in such event shall continue to serve  
20 as acting governor until the governor resumes the duties of  
21 his office.

22 (4) Whenever the lieutenant governor and attorney  
23 general transmit to the presiding officer of the legisla-  
24 ture their written declaration that the governor is unable  
25 to discharge the powers and duties of his office, the legis-  
26 lature shall convene.

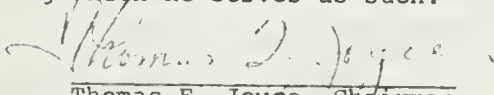
27 (5) If the legislature, within 21 days after convening,  
28 determines by two-thirds vote of its members present that  
29 the governor is unable to discharge the powers and duties of  
30 his office, the lieutenant governor shall enter upon and


1 discharge the same as acting governor; thereafter, when the  
2 governor transmits to the presiding officer of the legisla-  
3 ture his written declaration that no inability exists, he  
4 shall resume the powers and duties of his office within 15  
5 days, unless the legislature determines otherwise by two-  
6 thirds vote of its members. If the legislature so determines,  
7 the lieutenant governor shall continue to discharge the  
8 powers and duties of the office as acting governor.

9 (6) If the office of governor becomes vacant by  
10 reason of death, resignation, or disqualification, the  
11 lieutenant governor shall become governor for the remainder  
12 of the term.

13 (7) Additional succession to such vacancies shall be  
14 as provided by law.

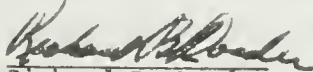
15 (8) When there is a vacancy in the office of governor,  
16 the successor shall have the title, powers, duties and emolu-  
17 ments of that office and shall be the governor. When the  
18 successor serves as acting governor for a temporary period,  
19 he shall have only the powers and duties of the office for  
20 the period during which he serves as such.

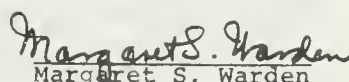
21   
22 Thomas F. Joyce, Chairman

23   
24 J. C. Garlington, Vice Chairman

25   
26 Harold Arbanas

27   
28 Fred W. Martin

29   
30 Richard B. Roeder

  
Margaret S. Warden

1 COMMENTS ON MAJORITY PROPOSAL

2 Section 1. OFFICERS. (1) The executive department shall  
3 consist of a governor, lieutenant governor, secretary of state,  
4 attorney general, and superintendent of public instruction.

5 (2) The superintendent of public instruction shall be the  
6 chief educational officer of the state, and shall have such  
7 qualifications, duties, salary, term of office and manner of  
8 election or selection as is provided by law.

9 (3) Except as herein provided for the superintendent of  
10 public instruction, each shall hold his office for a term of  
11 four years, commencing on the first Monday of January next  
12 succeeding his election and until a successor is elected and  
13 qualified.

14 (4) Each shall reside at the seat of government, where  
15 he shall keep the public records of his office.

16 (5) Each shall perform such duties as are prescribed in  
17 this constitution, and by law.

18 COMMENTS

19 The first sentence of section 1 reveals the decision of the  
20 majority of the executive committee as to the length of the ballot--  
21 it is neither "short" nor "long". By a minority report, the  
22 "long" ballot is favored, and by an amendment to be presented  
23 on the floor the "short" ballot will be proposed. Thus, the  
24 convention will consider in all its aspects the structure of  
25 the state executive department.

26 The majority decision is to remove from the constitution  
27 the offices of state treasurer and state auditor, and to place  
28 in optional elective or appointive status the superintendent  
29 of public instruction. In addition, the committee is unanimous  
30 in removing from the constitution the office of state examiner

1 (section 8). In reaching this decision, the committee emphasizes  
2 to the convention that removal from the constitution does not  
3 automatically delete or terminate the offices affected. They  
4 remain statutory offices until changed by the legislature, and  
5 all the arguments advanced to this committee for retaining them  
6 as elective offices are equally applicable to the legislature.

7 The principal reason for the committee decision is that  
8 the functions of the state treasurer, state auditor and state  
9 examiner are changing materially under the reorganization plan,  
10 and we believe that their future position should therefore not  
11 be "frozen" in their present form. Similar considerations  
12 apply to the superintendent of public instruction, as will be  
13 explained later.

14 Having stated the essence of our decision on these subjects,  
15 we will describe briefly our procedures in making them. We  
16 interviewed practically all of the principal officers of the  
17 executive department so as to learn how their functions have  
18 been affected by reorganization under the amendment approved  
19 by the voters in 1970, and how their functions may serve as forms  
20 of check and balance on other functions. From this information,  
21 analyzed and compared with the modern trends in other states  
22 where applicable to conditions in Montana, we concluded with  
23 respect to the several offices:

24 Governor - the people having decisively voted to implement  
25 a well-ordered executive department of government in place of  
26 the 100 or more boards, bureaus, commissions, etc., it is clear  
27 that a strong and responsive chief executive is desired. We  
28 have clarified his powers and duties accordingly.

29 Lieutenant Governor - consistent with the above, we have  
30 authorized an effective, full time lieutenant governor to assist



1 the governor, and to become a trained and responsible successor  
2 to the governor should that become necessary. It is clear that  
3 the governor's increasing duties and responsibilities require  
4 more adequate staff support, and the lieutenant governor's  
5 position is an appropriate part of it. To obtain the maxi-  
6 mum of effective cooperation between these two officers, we  
7 have provided that they shall be nominated and elected together.

8 Attorney General - he is the chief legal officer of the  
9 state. He prosecutes or defends all litigation in which the  
10 state is a party. He is legal counsel to all state officers  
11 and agencies. He supervises many of the functions of county  
12 attorneys, and through them the county officers and agencies.  
13 In addition to this, he is legal adviser to the governor,  
14 and here there arises divergence of opinion as to whether  
15 he should be appointed by the governor (so as to be fully  
16 compatible with his client, so to speak) or be elected by  
17 the people (so as to be primarily responsible to them).

18 The majority of our committee believes he should be in  
19 independent status as an elected officer, charged with en-  
20 forcement of all the law for all the people. Since the  
21 governor already has much authority, through the appointing  
22 power particularly, we favor having an independent attorney  
23 general free to inquire into the faithful performance of  
24 duty by any state official or employee. We believe the  
25 governor should have the right and opportunity to choose  
26 his own legal counsel, but that such counsel should be a  
27 part of his official staff rather than the attorney general.

28 Secretary of State - this office has a long historical  
29 and traditional significance, and we think there is valid  
30 reason to retain it for practical purposes as well as

1 tradition. As official custodian of the state's most im-  
2 portant legislative and executive documents, we believe he  
3 also should have the clear safeguard of independent election  
4 with constitutional status. His principal functions are  
5 ministerial, not policy forming, and by removing certain  
6 constitutional boards on which he has served, there is  
7 little basis for fear that his position might in the future  
8 hamper the executive function of the governor

9 State Treasurer -

10 State Auditor - these offices are primarily charged  
11 with duties in the financial area. With the advent of  
12 reorganization, the entire accounting and bookkeeping pro-  
13 cess of all state and local agencies is being converted  
14 into a uniform pattern. Also, the legislature has developed  
15 the process of legislative post-audit, and there is a grow-  
16 ing pre-audit system. The committee believes it unwise to  
17 retain in constitutional status two offices whose principal  
18 service is in this very fluctuating field, and that efficient  
19 auditing and record keeping should be allowed to develop  
20 flexibly through legislation as technology and experience  
21 permit.

22 Superintendent of Public Instruction - this office is  
23 a part of the executive department, and yet it affects solely  
24 the educational function, as established by Article XI. We  
25 fully explored the duties of this office, and its relation  
26 to the state board of education, in order to determine whether  
27 it should be included, excluded or modified. It performs  
28 practically no function exclusively referable to the  
29 university system, and the board performs practically no  
30 function referable to elementary and secondary education.

1 Thus, the board is, in net effect, a lay board charged  
2 with complex responsibilities in a professional field,  
3 and is without full-time professional counsel and  
4 assistance. There is much public support for obtaining  
5 by appointment instead of election a professional  
6 educator to fill the gap which exists by virtue of  
7 the present constitution. There is also support for  
8 retaining the present status of the superintendent's  
9 office. There is also clear need to resolve the  
10 doubt and ambiguity which currently exist as to the  
11 respective duties and authorities of the board and  
12 the superintendent, now resolved simply by mutual  
13 forbearance. There is clear prophecy of vast change  
14 in the educational field, due to the constitutional  
15 problems as to property tax equality now being  
16 litigated in California, Texas and Minnesota.  
17 Therefore, the committee believes the whole structure  
18 of Montana's \$100,000,000 per year educational  
19 system should not remain frozen in any form in the  
20 constitution, and proposes to handle the superintendent's  
21 office by an optional method which allows the legis-  
22 lature to make the office elective or appointive  
23 as in its current judgment it finds most advanta-  
24 geous.

25 Board of Examiners - composed of the governor,  
26 attorney general and secretary of state, this board  
27 once was very powerful. It is no longer so, meeting  
28 once a month for a few minutes to consider unliquidated  
29 claims (if any) against the state. This change has  
30 occurred through the reorganization. Being no



1 longer useful, the committee believes it should be  
2 deleted from the constitution, to be revived by  
3 legislation if necessity for it should again arise.

4 State Examiner - Most constitutions do not  
5 create an office of state examiner, but Montana did  
6 in 1889. While he once examined the accounts of some  
7 state offices, he has become the examiner only of  
8 county and local agencies now. The legislative  
9 audit has greatly changed his function, and many  
10 more changes are anticipated. It has not yet been  
11 determined how Montana's ultimate modernized  
12 accounting and record system, on a uniform basis,  
13 will be audited, as this must await its completion.  
14 In any event, this is a statutory matter which  
15 should be free for adjustment by the legislature  
16 as changing conditions may require. The state  
17 examiner himself concurs in this view.

18 *Section 2. ELECTION. (1) The governor,*  
19 *lieutenant governor, secretary of state, attorney*  
20 *general and the superintendent of public instruction,*  
21 *if his election is provided by law, shall be elected*  
22 *by the qualified electors of the state at a*  
23 *general election held and finally determined*  
24 *as provided by law.*

25 *(2) Each candidate for governor shall file*  
26 *jointly with a candidate for lieutenant governor*  
27 *in primary elections, or otherwise comply with*  
28 *nomination procedures, so that the offices of*  
29 *governor and lieutenant governor shall be voted*  
30 *upon together in primary and general elections,*

1 as provided by law.

2 COMMENTS

3 The major change in this section is the pro-  
4 vision requiring the candidates for governor and  
5 lieutenant governor to run as a team at the time  
6 of filing. This is similar to the federal pattern.

7 The committee's intent was to make the  
8 lieutenant governor's duties full-time with the  
9 legislature providing adequate compensation  
10 commensurate with the responsibilities to be  
11 delegated by the governor and the legislature.  
12 These would provide the lieutenant governor with  
13 an insight to governmental responsibilities  
14 which would be of great value in the event he would  
15 have to assume the governorship. The committee  
16 was aware and is in agreement with the  
17 legislative department committee's decision  
18 eliminating the constitutional requirement that  
19 the lieutenant governor must preside over  
20 the senate. More meaningful duties thus can  
21 be assigned to this office.

22 Other Elective Officials

23 The article provides for the election of  
24 the secretary of state and the attorney general,  
25 but makes optional with the legislature the  
26 election or selection of the state superintendent  
27 of public instruction.

28 *Section 3. QUALIFICATIONS. (1) Any person*  
29 *shall be eligible to the office of governor,*  
30 *lieutenant governor or secretary of state if*

1 he or she is a citizen of the United States, a resident  
2 of Montana for two years next preceding the election,  
3 and is otherwise a qualified voter.

4 (2) In addition to the foregoing qualifi-  
5 cations, any person to be eligible to the office  
6 of attorney general shall be an attorney in good  
7 standing admitted to practice law in the state  
8 of Montana, and have engaged in the active  
9 practice thereof for five years before election.

#### 10 COMMENTS

11 The major deletion in article 3 was removal  
12 of the age requirement for all candidates except  
13 the attorney general. This age deletion was  
14 discussed in detail, but the majority of the  
15 committee concluded the people, the basic  
16 power source for effective government, could  
17 be relied upon to make the proper judgment  
18 as to candidates' qualifications and  
19 abilities to cope with the responsibilities  
20 elective officials acquire with election. The  
21 majority of the committee concluded the newly  
22 franchised young voters would vote just  
23 as wisely and cautiously as do their elders.

24 The exception for the attorney general was  
25 to conform with the proposed judicial article  
26 requiring five years of active practice before  
27 election, which would require a candidate to  
28 be at least 26 years of age.

29 Section 4. DUTIES. (1) The executive power of the  
30 state is vested in the governor, who shall see that the

1 laws are faithfully executed. He shall have such other  
2 duties as are herein provided, and as provided by law.

3 (2) The lieutenant governor shall perform the duties  
4 delegated to him by the governor, and those provided for  
5 him by law, but no power specifically vested in the governor  
6 by this constitution may be delegated to the lieutenant  
7 governor in this manner.

8 (3) The secretary of state shall maintain the official  
9 records of the acts of the legislative assembly, and of the  
10 executive department, as provided by law. He shall keep  
11 the great seal of the state of Montana, and perform any  
12 other duties provided by law.

13 (4) The attorney general shall be the legal officer  
14 of the state, with the duties and powers provided by law.

#### 15 COMMENTS

16 This section retains Article VII, Section 5 of the  
17 present constitution with the deletion of the word "supreme"  
18 as superfluous. It acknowledges the governor is the chief  
19 executive and is to be in control of the executive branch  
20 of the government. Of course, he is limited in this  
21 connection by laws passed by the legislature, and is further  
22 limited by this section from direct responsibility of per-  
23 forming the duties assigned the secretary of state and  
24 attorney general. Yet he is charged with duty to see that  
25 these officials perform the duties assigned to them by law.

26 In specifying dual duties for the lieutenant governor,  
27 namely those delegated to him by the governor as well as  
28 those that may be delegated to him by law, this section  
29 makes it constitutionally permissible for the legislature  
30 to make this a full time position. However, neither the

1 governor nor the legislature can delegate to him constitu-  
2 tional duties assigned to the governor, such as, the veto  
3 power, the appointive power, the budgetary power, the  
4 pardoning power and others specifically set forth in the  
5 executive article. To assume any of these powers the  
6 lieutenant governor must become acting governor as herein-  
7 after provided.

8       It is important to note that this section deletes the  
9 present constitutional authority of the lieutenant governor  
10 to assume the powers of the governor every time the governor  
11 leaves the state.

12       The secretary of state is made the official keeper of  
13 the great seal and the official records. He can also con-  
14 tinue to be the supervisor of elections as he may perform  
15 duties prescribed by law. By undertaking to set forth  
16 specific duties it is hoped that future assignment of duties  
17 by law to this office will be confined to the same general  
18 area and that the secretary of state will not be made a  
19 policy maker. However, we recognize the power of the  
20 legislature is plenary.

21       Similarly, this section recognizes that the principal  
22 duties of the attorney general will be to act as the legal  
23 officer of the state. The committee considered, but re-  
24 jected, including his recently acquired statutory duties  
25 with respect to law enforcement and public safety. While  
26 the committee believes it is proper he should have such  
27 duties they should not be constitutionally required. Again  
28 it is hoped this office will not be made a policy maker.

29       *Section 5. COMPENSATION. (1) Officers of the*  
30 *executive department shall receive salaries provided by law,*

1 *which may be increased but not decreased during the term of*  
2 *office.*

3 *(2) No elected officer of the executive department may*  
4 *during his term hold any other public office, or receive*  
5 *compensation for his services from any governmental agency.*  
6 *He may be a candidate for any public office during his term.*

7 COMMENTS

8 This section changes the present constitutional pro-  
9 vision that permits decreases but bars increases in salary  
10 during the term. The reverse is now permitted. The present  
11 constitutional prohibition regarding increases in salary  
12 have made it impossible to realistically adjust for infla-  
13 tionary pressures in the economy, and the risk that the  
14 legislature will be over generous is not warranted by our  
15 history.

16 The committee considered delegate proposal 39 creating  
17 a wage board, but thought it to be a legislative matter.  
18 The changes made in this section should give the legisla-  
19 ture the courage to set just and fair salaries for elected  
20 officials.

21 The second paragraph makes clear an elected official  
22 cannot hold two public offices at the same time, nor can he  
23 be on two government payrolls nor receive compensation from  
24 the federal and state governments for performing govern-  
25 mental duties. It also clears any ambiguity that arises  
26 from the last sentence of the present Article VII, Section  
27 4, and makes it clear the officers of the executive depart-  
28 ment can seek another office without resigning. Upon  
29 election, of course, he must resign or decline one or the  
30 other.



1       Section 6. VACANCY IN OFFICE. (1) If the office of  
2 lieutenant governor becomes vacant by his succession to the  
3 office of governor, or by his death, resignation or disability  
4 as determined by law, the governor shall appoint a qualified  
5 person to hold and serve in that office for the remainder of  
6 its term.

7       (2) If the office of secretary of state or attorney  
8 general becomes vacant by death, resignation or disability  
9 as determined by law, the governor shall appoint a qualified  
10 person to hold and serve in that office until the next  
11 general election, and until his successor is elected and  
12 qualified. The person elected to fill such vacancy shall  
13 hold the office until the expiration of the term for which  
14 the person he succeeds was elected.

15       (3) If the office of superintendent of public  
16 instruction becomes vacant, it shall be filled in the manner  
17 above provided if it is at that time an elective office;  
18 otherwise it shall be filled as provided by law.

19                               COMMENTS

20       This section presupposes the governor and lieutenant  
21 governor will run as a team. It was therefore thought  
22 desirable to allow the governor to appoint his own team-  
23 mate for the remainder of the term when a vacancy exists  
24 in the office of lieutenant governor. However, with the  
25 other officers we followed the established pattern of re-  
26 quiring election if the vacancy occurs in the first half  
27 of the term.

28       The appropriate exception is made if the superintendent  
29 of public instruction is made an appointive position by  
30 the legislature in the future.

1       Section 7. 20 DEPARTMENTS. All executive and admin-  
2   istrative offices, boards, bureaus, commissions, agencies  
3   and instrumentalities of the executive department of state  
4   government and their respective functions, powers, and  
5   duties, except for the office of governor, lieutenant  
6   governor, secretary of state, attorney general and super-  
7   intendent of public instruction shall be allocated by law among  
8   and within not more than 20 departments. Subsequently, all  
9   new powers or functions shall be assigned to departments,  
10   divisions, sections, or units in such manner as will tend  
11   to provide an orderly arrangement in the administrative  
12   organization of state government. Temporary commissions  
13   may be established by law and need not be allocated within  
14   a principal department.

## 15 COMMENTS

16 The 1889 constitution's inherent contradiction -- the  
17 delegation of executive power to the governor, yet restrict-  
18 ing that power due to diffusion in constitutional boards --  
19 has been clarified by the adoption of the executive reorgani-  
20 zation amendment and the proposed corollary changes in this  
21 executive article.

22 Previously, the divided powers of boards of elective  
23 officers, such as the board of examiners, made a mockery  
24 of section 5 of the present constitution: "The supreme  
25 executive power of the state shall be vested in the governor,  
26 who shall see that the laws are faithfully executed.".  
27 The governor, under reorganization and in this article,  
28 has the responsibility and the accountability to the  
29 electorate and the legislature. This fundamental prin-  
30 ciple of delegation of power is an important breakthrough



1 in the continuing effort for effective, responsible, viable  
2 and efficient government. The state's chief executive will  
3 be chief in fact, not in rhetoric.

4 The majority of the committee deleted as constitutional  
5 and elective officers the offices of state auditor and state  
6 treasurer in accordance with the conviction that the respon-  
7 sibilities and duties could be included under the 20 depart-  
8 ment reorganization amendment and statutes.

9 *Section 8. APPOINTING POWER. The principal depart-*  
10 *ments provided for in section 7 shall be under the super-*  
11 *vision of the governor, and, except as otherwise provided*  
12 *herein or by law, shall be headed by a single executive*  
13 *appointed by the governor and subject to confirmation by*  
14 *the legislature. Such executives shall hold office until*  
15 *the end of the term of the governor, unless sooner removed*  
16 *by the governor.*

17 (2) *The governor shall appoint, subject to confirma-*  
18 *tion by the legislature all officers provided for by this*  
19 *constitution or by law and whose appointment or election*  
20 *or term is not otherwise provided for. They shall hold*  
21 *office until the end of the term of the governor unless*  
22 *sooner removed by the governor.*

23 (3) *If a vacancy in any such office occurs during a*  
24 *recess of the legislature, the governor shall appoint some*  
25 *fit person to discharge the duties thereof until the next*  
26 *meeting of the legislature, when the office shall be filled*  
27 *by appointment and confirmation.*

28 (4) *No person not confirmed by the legislature for an*  
29 *office shall, except at its request, be nominated again for*  
30 *that office at the same session, or be appointed to that*

1 office during a recess of the legislature.

2 COMMENTS

3 The fundamental concept of checks and balances by  
4 separate branches of government is a key part of section  
5 8. The governor has been delegated supervisory powers in  
6 this article in accord to his constitutional designation  
7 of executive power and the reorganization amendment and  
8 statutes already approved.

9 This section is in keeping with the legislative imple-  
10 mentation, dating back to the 1920's, of such a program.  
11 However, the legislature had to reverse a trend whereby  
12 executive power had been whittled to insignificance by  
13 creation of more than 160 state agencies with little  
14 executive or legislative supervision.

15 Now, this article, the governor has been delegated  
16 that power, as well as the right to appoint and remove  
17 heads of the principal departments. However, the legis-  
18 lature has the power to confirm such appointments with  
19 added safeguards to protect reappointment of rejected  
20 nominees.

21 *Section 9. BUDGET AND MESSAGES. The governor shall*  
22 *at the beginning of each legislative session, and may at*  
23 *other times, give the legislature information and recommend*  
24 *measures he considers necessary. The governor shall sub-*  
25 *mit to the legislature at a time fixed by law, a budget*  
26 *for the ensuing fiscal period setting forth in detail, for*  
27 *all operating funds, the proposed expenditures and estimated*  
28 *revenue of the state.*

29 COMMENTS

30 This section adopts the proposal of the constitution

1 revision sub-committees made in 1969, and is in accordance  
2 with the prior recommendation of the legislative council.  
3 The present statutory responsibility of the governor to  
4 submit an executive budget to the legislature is made man-  
5 datory by the constitution.

6 It revises section 10 of the present Article VII, and  
7 eliminates the excess verbiage. The other requirements of  
8 present section 10 are and should be governed by statute  
9 and administrative procedures.

10 *Section 10. VETO POWER. (1) All bills passed by the*  
11 *legislature, except bills proposing amendments to the*  
12 *Montana constitution, bills ratifying proposed amendments*  
13 *to the United States constitution, resolutions, and*  
14 *initiative and referendum measures, shall be submitted to*  
15 *the governor who shall sign or veto every bill within five*  
16 *days after its delivery to him if the legislature is in*  
17 *session, or within 25 days if the legislature is adjourned.*  
18 *The governor shall return vetoed bills to the legislature*  
19 *with a statement of his objections.*

20 *(2) The governor may return any bill to the legis-*  
21 *lature with his objections and with a recommendation for*  
22 *an amendment or amendments to it. If the legislature*  
23 *passes the bill in accordance with the governor's rec-*  
24 *ommendation, it shall again return the bill to the Governor*  
25 *for his reconsideration. The governor shall not return*  
26 *a bill a second time, for amendment.*

27 *(3) Upon receipt of a veto message, the legislature*  
28 *shall reconsider passage of the vetoed bill. A two-thirds*  
29 *vote of the members present overrides the veto, and the*  
30 *bill shall become law.*



1       The committee considered and rejected the reduction  
2 veto, which is the power to reduce items in appropriation  
3 bills, because the members believe such a veto could result  
4 in irresponsibility. The reduction veto encourages the  
5 legislature to appropriate large sums of money to popular  
6 causes, shifting the onus of reducing the appropriations to  
7 the governor, while it also enables the governor to thwart  
8 an activity or program without the stigma of killing it.

9       The committee did, however, authorize the amendatory  
10 veto in subsection 2, which permits the governor to return  
11 a bill to the legislature with recommendations for changes  
12 that would make the bill acceptable to him. If the legis-  
13 lature by majority vote of the members present accepts the  
14 governor's recommendations, the bill is returned to the  
15 governor for reconsideration. The governor is prohibited  
16 from returning the bill a second time. The amendatory veto  
17 accommodates the situations when the governor objects to  
18 only parts of a bill and recognizes its general merit. In  
19 the states which authorize the amendatory veto, it is  
20 utilized more than the regular veto. The power of amenda-  
21 tory veto is intended to extend to appropriation bills.  
22 In addition, the item veto is retained in subsection 5.

23       *Section 11. SPECIAL SESSION. Whenever the governor*  
24 *considers it in the public interest, he may convene the*  
25 *legislature, either house, or the two houses in joint*  
26 *session. At the written request of two-thirds of the*  
27 *members of each house, the presiding officers of both*  
28 *houses shall convene the legislature in special session.*

29                                   COMMENTS

30       This section revises present section 11 of Article VII.

1 It continues the power of the governor to call special  
2 sessions but removes his present authority to confine the  
3 subjects to be considered. If the legislature is given  
4 power to call itself into session the present limitation  
5 would be ineffective in any case.

6 The section also permits the legislature to call itself  
7 into session by a two-thirds vote of the full membership.  
8 The decision on this question will be reached in the  
9 legislative committee proposal.

10 *Section 12. PARDONS. The governor shall have the*  
11 *power to grant reprieves, commutations and pardons after*  
12 *conviction, reinstate citizenship and may suspend and remit*  
13 *finest and forfeitures subject to procedures prescribed by*  
14 *law.*

15 COMMENTS

16 This section revises the present section 9 of Article  
17 VII. It deletes all the material after the proviso in the  
18 present section. The power of the governor to grant  
19 reprieves, commutations and pardons is still made subject  
20 to procedures prescribed by law.

21 The legislature has now provided for an appointive lay  
22 board of pardons and paroles. It no doubt will continue to  
23 do so. Yet it seems to the majority of the committee  
24 unnecessary to require it. The executive reorganization  
25 director and the present chairman of the board of pardons  
26 recommended the deletion.

27 The historical power of the chief executive to show  
28 mercy should be retained, and the majority believe there  
29 is no constitutional need for a buffer board appointed by  
30 the governor.



1 By making no reference to the board of prison commis-  
2 sioners in present section 20, the majority of the  
3 committee suggests repeal. The control of the prison has  
4 been assigned by law to the department of institutions and  
5 the constitutional board consisting of the governor,  
6 attorney general and secretary of state has not been per-  
7 forming its constitutional duty in fact for many years.  
8 The executive reorganization director recommends the repeal  
9 to conform to the fact.

10 *Section 13. MILITIA. The governor shall be commander-*  
11 *in-chief of the militia forces of the state, except*  
12 *when these forces are in the actual service of the United*  
13 *States, and shall have power to call out any part of the*  
14 *whole of said forces to aid in the execution of the laws,*  
15 *to suppress insurrection or to repel invasion.*

16 *(2) The militia forces shall consist of all able-*  
17 *bodied citizens of the state except such persons as are*  
18 *exempted by law.*

#### 19 COMMENTS

20 The subject of military matters appears in Article II,  
21 Article XIV, and the above section which gives the governor  
22 command of the state militia. It no longer has the signif-  
23 icance it did in frontier times, and has become largely  
24 superseded or obsolete. The committee recommends simple  
25 repeal of Article II and Article XIV, and inclusion of the  
26 first paragraph of former Article XIV into section 13 above.

27 Article II - Research by the legislative council shows  
28 that none of the military reservations referred to in this  
29 article presently exist as such. No similar article exists  
30 in other constitutions. Its subject matter having passed

1 out of existence, so also should the article.

2 Article XIV - except for its section 1, which we have  
3 included in our section 13, this article merely refers to  
4 various matters on which the legislature was to pass  
5 legislation. Since it could as well do so without such  
6 provisions in the constitution, they serve no useful  
7 purpose, and it is simply proper drafting to eliminate  
8 them. This is also recommended by the legislative  
9 council. Other constitutions do not contain similar  
10 provisions.

11 The first paragraph of this section is former section  
12 6 carried forward without change.

13 The second paragraph is taken from section 1, Article  
14 XIV, without change except in one significant respect.  
15 The committee includes two daring, forward-looking ladies  
16 who foresee the time when their sex will be liberated to  
17 equal responsibility for the safety of our state in time  
18 of trouble. They have volunteered feminine membership in  
19 the state militia, something which bodes well for the  
20 future of its readiness for action. Therefore, the draft  
21 as submitted omits the word "male" by necessity, and the age  
22 limitations by courtesy.

23 *Section 14. SUCCESSION. (1) If the governor elect is*  
24 *disqualified, or dies, the lieutenant governor-elect upon*  
25 *qualifying for the office shall become governor for the*  
26 *full term. If the governor-elect fails to assume office for*  
27 *any other reason, the lieutenant governor-elect upon*  
28 *qualifying as such shall serve as acting governor until the*  
29 *governor elect qualifies for office, or until the office be-*  
30 *comes vacant.*



1       (2) The lieutenant governor shall serve as acting  
2 governor when requested in writing by the governor to do  
3 so. He shall serve as acting governor during the absence  
4 from the state of the governor for any period in excess  
5 of 45 days.

6       (3) He shall also serve as acting governor when the  
7 governor is disabled and by reason of that disability is  
8 unable to communicate to the lieutenant governor the fact  
9 of his inability to perform the duties of his office. The  
10 lieutenant governor in such event shall continue to serve  
11 as acting governor until the governor resumes the duties  
12 of his office.

13       (4) Whenever the lieutenant governor and attorney  
14 general transmit to the presiding officer of the legis-  
15 lature their written declaration that the governor is un-  
16 able to discharge the powers and duties of his office, the  
17 legislature shall convene.

18       (5) If the legislature, within 21 days after convening,  
19 determines by two-thirds vote of its members present that the  
20 governor is unable to discharge the powers and duties of his  
21 office, the lieutenant governor shall enter upon and dis-  
22 charge the same as acting governor; thereafter, when the  
23 governor transmits to the presiding officer of the legis-  
24 lature his written declaration that no inability exists,  
25 he shall resume the powers and duties of his office within  
26 15 days, unless the legislature determine otherwise by two-  
27 thirds vote of its members. If the legislature so deter-  
28 mines, the lieutenant governor shall continue to dis-  
29 charge the powers and duties of the office as acting  
30 governor.

(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification, the lieutenant governor shall become governor for the remainder of the term.

(7) Additional succession to such vacancies shall be as provided by law.

(8) When there is a vacancy in the office of governor, the successor shall have the title, powers, duties and emoluments of that office and shall be the governor. When the successor serves as acting governor for a temporary period, he shall have only the powers and duties of the office for the period during which he serves as such.

## COMMENTS

Subsection 1 authorizes the lieutenant governor-elect to become governor in the event of the death or disqualification of the governor-elect. The lieutenant governor elect serves as acting governor if the governor-elect fails to assume office for any other reason. Such a provision is desirable because, in the absence of such a provision, the courts of at least five states have determined that the incumbent governor should continue in office when the governor-elect was unable to qualify for inauguration.

By subsection 2, the governor is authorized to request the lieutenant governor to serve as acting governor, whether or not the governor is absent from the state. Under this subsection, however, the lieutenant governor no longer becomes acting governor the moment the governor leaves the state. The committee believes that by utilizing modern communications the governor can

1 effectively perform the duties of his office during a  
2 short term absence from the state. Furthermore, the  
3 governor is not prohibited from requesting the lieutenant  
4 governor to act during a short-time absence. After  
5 the governor has been absent from the state 45 days, however,  
6 the lieutenant governor does become acting governor.  
7 Such a provision should tend to discourage the governor  
8 from prolonged absences from the state.

9       Although Montana's constitution presently provides  
10 for succession to the governorship in cases of "inability"  
11 of the governor "to discharge the powers and duties of his  
12 office", procedures for determining disability of the  
13 governor are not provided. Unfortunate experiences in  
14 several states with disabled governors and federal  
15 experience with presidential disability illustrate that  
16 procedures for determination of gubernatorial disability  
17 are necessary. The committee therefore proposes a disability  
18 determination provision based upon the model  
19 provided by the Twenty-fifth Amendment of the United  
20 States Constitution. As noted above, under subsection 2  
21 the governor may request the lieutenant governor to serve  
22 as acting governor. This authority would extend to a  
23 situation when, for example, the governor is scheduled  
24 for surgery. Subsection 2 also authorizes the lieutenant  
25 governor to become acting governor when the governor is  
26 unable to communicate -- due, for example, to a stroke.  
27 When the governor recovers, he may resume the duties of  
28 his office.

29       Subsection 3 authorizes the lieutenant governor and  
30 attorney general to declare the governor's disability,

1 whereupon the legislature convenes to determine the  
2 validity of the declaration. If two-thirds of the  
3 legislature agree that the governor is disabled, the  
4 lieutenant governor becomes acting governor. The  
5 governor may resume his office by declaring that the  
6 disability no longer exists unless the legislature  
7 prevents his resumption of powers by a two-thirds vote.

8       When the governorship becomes vacant, the  
9 lieutenant governor succeeds to the office of governor  
10 for the remainder of the term. When the lieutenant  
11 governor serves as acting governor, he exercises only  
12 the powers and duties of the office of governor.

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MINORITY REPORT

1 BE IT PROPOSED BY THE MINORITY OF THE EXECUTIVE COMMITTEE:

2 That there be a new Article on the Executive to read  
3 as follows:

4  
5 ARTICLE \_\_\_\_

6 THE EXECUTIVE

7 Section 1. OFFICERS. (1) The executive department  
8 shall consist of a governor, lieutenant governor, secretary  
9 of state, attorney general, and superintendent of public  
10 instruction and state auditor.

11 (2) Each shall hold his office for a term of four  
12 years, commencing on the first Monday of January next  
13 succeeding his election and until a successor is elected  
14 and qualified.

15 (3) Each shall reside at the seat of government,  
16 where he shall keep the public records of his office.

17 (4) Each shall perform such duties as are prescribed  
18 in this constitution, and by law.

19 Section 2. ELECTION. (1) The governor, lieutenant  
20 governor, secretary of state, attorney general, state  
21 treasurer, the superintendent of public instruction and  
22 state auditor shall be elected by the qualified electors  
23 of the state at a general election held and finally  
24 determined as provided by law.

25 (2) Each candidate for governor shall file jointly  
26 with a candidate for lieutenant governor in primary  
27 elections, or otherwise comply with nomination procedures,  
28 so that the offices of governor and lieutenant governor  
29 shall be voted upon together in primary and general elec-  
30 tions, as provided by law.

1           Section 3. QUALIFICATIONS. (1) No person shall  
2 be eligible to the office of governor, lieutenant governor,  
3 attorney general or superintendent of public instruction  
4 unless he has attained the age of 30 years at the time of  
5 his election, nor to the office of secretary of state,  
6 state auditor, or state treasurer, unless he has attained  
7 the age of 25 years. In addition to the qualifications  
8 above prescribed, each of the officers named shall be a  
9 citizen of the United States, and have resided within the  
10 state two years next preceding his election.

11           (2) In addition to the foregoing qualifications, any  
12 person to be eligible to the office of attorney general  
13 shall be an attorney in good standing admitted to practice  
14 law in the state of Montana, and have engaged in the active  
15 practice thereof for five years before election.

16           Section 4. The executive power of the state is vested  
17 in the governor, who shall see that the laws are faithfully  
18 executed. He shall have such other duties as are herein  
19 provided, and as provided by law.

20           (2) The lieutenant governor shall perform the duties  
21 delegated to him by the governor, and those provided for  
22 him by law, but no power specifically vested in the governor  
23 by this constitution may be delegated to the lieutenant  
24 governor in this manner.

25           (3) The secretary of state shall maintain the offi-  
26 cial records of the acts of the legislative assembly, and  
27 of the executive department, as provided by law. He  
28 shall keep the great seal of the state of Montana, and  
29 perform any other duties provided by law.

30           (4) The attorney general shall be the legal officer



1 of the state, with the duties and powers provided by law.

2 The auditor shall be the custodian of all fiscal  
3 records of the state. He shall be the issuing officer  
4 for all state warrants, with other duties and powers  
5 provided by law.

6 Section 5. COMPENSATION. (1) Officers of the  
7 executive department shall receive salaries provided by  
8 law, which may be increased but not decreased during the  
9 term of office.

10 (2) No elected officer of the executive department  
11 may during his term hold any other public office, or receive  
12 compensation for his services from any governmental agency.  
13 He may be a candidate for any public office during his term.

14 Section 6. VACANCY IN OFFICE. (1) If the office of  
15 lieutenant governor becomes vacant by his succession to  
16 the office of governor, or by his death, resignation or  
17 disability as determined by law, the governor shall appoint  
18 a qualified person to hold and serve in that office for the  
19 remainder of its term.

20 (2) If the office of secretary of state, attorney  
21 general, auditor, treasurer and superintendent of public  
22 instruction becomes vacant by death, resignation or  
23 disability as determined by law, the governor shall appoint  
24 a qualified person to hold and serve in that office until  
25 the next general election, and until his successor is  
26 elected and qualified. The person elected to fill such  
27 vacancy shall hold the office until the expiration of the  
28 term for which the person he succeeds was elected.

29 Section 7. 20 DEPARTMENTS. All executive and adminis-  
30 strative offices, boards, bureaus, commissions, agencies and



1 instrumentalities of the executive department of state govern-  
2 ment and their respective functions, powers, and duties,  
3 except for the office of governor, lieutenant governor,  
4 secretary of state, attorney general and superintendent of  
5 public instruction shall be allocated by law among and  
6 within not more than 20 departments. Subsequently, all  
7 new powers or functions shall be assigned to departments,  
8 divisions, sections, or units in such manner as will tend  
9 to provide an orderly arrangement in the administrative  
10 organization of state government. Temporary commissions may  
11 be established by law and need not be allocated within a  
12 principal department.

13 Section 8. APPOINTING POWER. (1) The principal  
14 departments provided for in section 7 shall be under the  
15 supervision of the governor, and, except as otherwise  
16 provided herein or by law, shall be headed by a single  
17 executive appointed by the governor and subject to confir-  
18 mation by the legislature. Such executives shall hold  
19 office until the end of the term of the governor, unless  
20 sooner removed by the governor.

21 (2) The governor shall appoint, subject to confirmation  
22 by the legislature all officers provided for by this consti-  
23 tution or by law and whose appointment or election or term  
24 is not otherwise provided for. They shall hold office  
25 until the end of the term of the governor unless sooner  
26 removed by the governor.

27 (3) If a vacancy in any such office occurs during a  
28 recess of the legislature, the governor shall appoint some  
29 fit person to discharge the duties thereof until the next  
30 meeting of the legislature, when the office shall be filled

1 by appointment and confirmation.

2 (4) No person not confirmed by the legislature for an  
3 office shall, except at its request, be nominated again for  
4 that office at the same session, or be appointed to that  
5 office during a recess of the legislature.

6 Section 9. BUDGET AND MESSAGES. The governor shall  
7 at the beginning of each legislative session, and may at  
8 other times, give the legislature information and recommend  
9 measures he considers necessary. The governor shall submit  
10 to the legislature at a time fixed by law, a budget for  
11 the ensuing fiscal period setting forth in detail, for all  
12 operating funds, the proposed expenditures and estimated  
13 revenue of the state.

14 Section 10. VETO POWER. (1) All bills passed by  
15 the legislature, except bills proposing amendments to the  
16 Montana constitution, bills ratifying proposed amendments  
17 to the United States constitution, resolutions, and  
18 initiative and referendum measures, shall be submitted to  
19 the governor who shall sign or veto every bill within five  
20 days after its delivery to him if the legislature is in  
21 session, or within 25 days if the legislature is adjourned.  
22 The governor shall return vetoed bills to the legislature  
23 with a statement of his objections.

24 (2) The governor may return any bill to the legisla-  
25 ture with his objections and with a recommendation for an  
26 amendment or amendments to it. If the legislature passes  
27 the bill in accordance with the governor's recommendation,  
28 it shall again return the bill to the governor for his  
29 reconsideration. The governor shall not return a bill a  
30 second time, for amendment.

1           (3) Upon receipt of a veto message, the legislature  
2 shall reconsider passage of the vetoed bill. A two-thirds  
3 vote of the members present overrides the veto, and the  
4 bill shall become law.

5           (4) If the legislature is not in session when the  
6 governor vetoes a bill, he shall return the bill with his  
7 objections to the legislature in a manner authorized by law.  
8 The legislature, as provided in section 11, may reconvene  
9 itself to reconsider any bills so vetoed by the governor.

10          (5) The governor may veto items in appropriation  
11 bills, and in such instances the procedure shall be the  
12 same as upon veto of an entire bill.

13          Section 11. SPECIAL SESSION. Whenever the governor  
14 considers it in the public interest, he may convene the  
15 legislature, either house, or the two houses in joint  
16 session. At the written request of two-thirds of the  
17 members of each house, the presiding officers of both  
18 houses shall convene the legislature in special session.

19          Section 12. PARDONS. The governor shall have the  
20 power to grant reprieves, commutations and pardons after  
21 conviction, reinstate citizenship and may suspend and remit  
22 fines and forfeitures subject to procedures prescribed by  
23 law.

24          This action by the governor shall be upon the  
25 recommendation of a board of pardons. The legislative  
26 assembly shall by law prescribe for the appointment and  
27 composition of said board of pardons, its powers and duties;  
28 and regulate the proceedings thereof.

29          Section 13. MILITIA. (1) The governor shall be  
30 commander-in-chief of the militia forces of the state,

1 except when these forces are in the actual service of the  
2 United States, and shall have power to call out any part of  
3 the whole of said forces to aid in the execution of the  
4 laws, to suppress insurrection or to repel invasion.

5 (2) The militia forces shall consist of all able-bodied  
6 citizens of the state except such persons as are exempted  
7 by law.

8 Section 14. SUCCESSION. (1) If the governor elect  
9 is disqualified, or dies, the lieutenant governor-elect  
10 upon qualifying for the office shall become governor for  
11 the full term. If the governor-elect fails to assume  
12 office for any other reason, the lieutenant governor-elect  
13 upon qualifying as such shall serve as acting governor until  
14 the governor elect qualifies for office, or until the  
15 office becomes vacant.

16 (2) The lieutenant governor shall serve as acting  
17 governor when requested in writing by the governor to do so.  
18 He shall serve as acting governor during the absence from the  
19 state of the governor for any period in excess of 45 days.

20 (3) He shall also serve as acting governor when the  
21 governor is disabled and by reason of that disability is  
22 unable to communicate to the lieutenant governor the fact  
23 of his inability to perform the duties of his office. The  
24 lieutenant governor in such event shall continue to serve  
25 as acting governor until the governor resumes the duties of  
26 his office.

27 (4) Whenever the lieutenant governor and attorney  
28 general transmit to the presiding officer of the legisla-  
29 ture their written declaration that the governor is unable  
30 to discharge the powers and duties of his office, the

1 legislature shall convene.

2 (5) If the legislature, within 21 days after convening,  
3 determines by two-thirds vote of its members present that  
4 the governor is unable to discharge the powers and duties of  
5 his office, the lieutenant governor shall enter upon and  
6 discharge the same as acting governor; thereafter, when the  
7 governor transmits to the presiding officer of the legisla-  
8 ture his written declaration that no inability exists, he  
9 shall resume the powers and duties of his office within 15  
10 days, unless the legislature determines otherwise by two-  
11 thirds vote of its members. If the legislature so determines,  
12 the lieutenant governor shall continue to discharge the  
13 powers and duties of the office as acting governor.

14 (6) If the office of governor becomes vacant by  
15 reason of death, resignation, or disqualification, the  
16 lieutenant governor shall become governor for the remainder  
17 of the term.

18 (7) Additional succession to such vacancies shall be  
19 as provided by law.

20 (8) When there is a vacancy in the office of governor,  
21 the successor shall have the title, powers, duties and emolu-  
22 ments of that office and shall be the governor. When the  
23 successor serves as acting governor for a temporary period,  
24 he shall have only the powers and duties of the office for  
25 the period during which he serves as such.

26  
27 Betty L. Babcock  
28 Betty L. Babcock

27 Archie O. Wilson  
28 Archie O. Wilson



1 COMMENTS ON MINORITY PROPOSAL

2 The Minority Proposal is identical to the Majority  
3 Proposal except for amendments in sections 1, 2, 3, 4, 6  
4 and 12 designed to make the executive branch of govern-  
5 ment more responsible to the citizens of the state by  
6 providing for the election of the present elected  
7 executive officers.

8 *Section 1. OFFICERS. (1) The executive department*  
9 *shall consist of a governor, lieutenant governor, secretary*  
10 *of state, attorney general, state treasurer, superintendent*  
11 *of public instruction and state auditor.*

12 *(2) Each shall hold his office for a term of four*  
13 *years, commencing on the first Monday of January next*  
14 *succeeding his election and until a successor is elected*  
15 *and qualified.*

16 *(3) Each shall reside at the seat of government,*  
17 *where he shall keep the public records of his office.*

18 *(4) Each shall perform such duties as are prescribed*  
19 *in this constitution, and by law.*

20 COMMENTS

21 The minority of the executive committee favor the  
22 election of the major state executive offices because  
23 government needs to be responsive and responsible to the  
24 people it represents. The people must retain their right  
25 to elect their officials. By elimination of their present  
26 power to choose the major state offices we do not want to  
27 defranchise the people of Montana of their sacred privi-  
28 lege - their right to exercise the freedom of choice in the  
29 elective process. The people deserve the right to choose  
30 who shall represent them in government.

1 Montana by constitutional amendment and legislative  
2 act is reorganizing its governmental processes under what  
3 is known as executive reorganization. This is placing all  
4 Montana's governmental administration and control directly  
5 under the governor and appointed department heads. This  
6 program is promoted in the name of efficiency and economy.

7 Government needs to be more to its constituents than  
8 efficient and economical. It needs to be responsive and  
9 responsible to the people it represents. Its responsi-  
10 bilities includes not only the matter of protecting the  
11 public trust, it includes having the trust of the public.

12 Public trust does not come from just a matter of  
13 confidence in the integrity of public officers, but rather  
14 it comes from knowing that public affairs are placed in  
15 the public eye. This can only occur when the activities  
16 of government are visible and when there are ways of  
17 checking on what our public officials are doing.

18 The state treasurer and auditor are the major state  
19 financial officers. One receives all state money, the  
20 other disburses all state funds. One major concern relates  
21 regarding reorganization to the financial affairs of the  
22 state. This concern should be included in our proposed  
23 constitution in such a way that we give the public the  
24 best chance to view critically its public officers and  
25 to avoid the open invitation to corruption. This should  
26 include a public official, elected and responsible only  
27 to the people and who is not subservient to the varying  
28 political desires of some chief executive who perhaps  
29 will be only concerned with an approving look from the  
30 public at his administration.



1           We know that no governor will have continuous  
2 opportunity to observe all the actions of his adminis-  
3 trative officers. To place all fiscal affairs in one  
4 administrative office, such as a controller's office,  
5 not only jeopardizes the chief executive, it is one open  
6 invitation to unviewed corruption.

7           We ask then this convention include separate fiscal  
8 officers as elected officers in this proposed constitution  
9 in the offices of state auditor and state treasurer.

10          The state superintendent of public instruction is  
11 the major state educational officer and as such should  
12 be elected by the people. The selection of the super-  
13 intendent should be protected from undue political  
14 influence by making her directly responsible to the  
15 people.

16          We are with the majority committee proposal comments  
17 on the election of the attorney general. We provide  
18 further qualification in our section 3.

19          *Section 2. ELECTION. (1) The governor, lieutenant*  
20 *governor, secretary of state, attorney general, state*  
21 *treasurer, superintendent of public instruction and state*  
22 *auditor shall be elected by the qualified electors of the*  
23 *state at a general election held and finally determined as*  
24 *provided by law.*

25          *(2) Each candidate for governor shall file jointly*  
26 *with a candidate for lieutenant governor in primary elections,*  
27 *or otherwise comply with nomination procedures, so that the*  
28 *offices of governor and lieutenant governor shall be voted*  
29 *upon together in primary and general elections, as pro-*  
30 *vided by law.*

1 COMMENTS

2 This section adds the state treasurer, superintendent  
3 of public instruction and state auditor to the elected  
4 officers provided in the majority report. Our reasons  
5 are explained in the comments to section 1.

6 *Section 3. QUALIFICATIONS. (1) No person shall be*  
7 *eligible to the office of governor, lieutenant governor,*  
8 *attorney general or superintendent of public instruction*  
9 *unless he has attained the age of 30 years at the time of*  
10 *his election, nor to the office of secretary of state,*  
11 *state auditor, or state treasurer, unless he has attained*  
12 *the age of 25 years. In addition to the qualifications*  
13 *above prescribed, each of the officers named shall be a*  
14 *citizen of the United States, and have resided within the*  
15 *state two years next preceding his election.*

16 *(2) In addition to the foregoing qualifications, any*  
17 *person to be eligible to the office of attorney general*  
18 *shall be an attorney in good standing admitted to practice*  
19 *law in the state of Montana, and have engaged in the*  
20 *active practice thereof for five years before election.*

21 COMMENTS

22 This section retains the qualifications in section 3  
23 of the present executive article. The major deletion in  
24 section 3 recommended by the majority was removal of the  
25 age requirements for all candidates except the attorney  
26 general. The minority of the executive committee, believe  
27 we would be derelict in our duty and inconsistent as well,  
28 if we require specific qualifications for the attorney  
29 general and remove all such qualifications for the rest  
30 of the executive offices.

1           We realize it is unlikely that the electorate  
2 would elect an eighteen year old to these offices, but  
3 we feel strongly that the constitution must guarantee  
4 a certain maturity as a qualification for office holders.

5           We are conscious of the increased intelligence and  
6 ability of our young people, but feel confident that the  
7 majority, those with mature attitudes, would want us to  
8 require such qualifications for their own protection,  
9 to insure the dignity of the office and to provide a  
10 goal for them to strive for. In comparing Montana's  
11 present constitution with six others we found the states  
12 of Alaska, Michigan and New Jersey require a governor to  
13 be at least 30 years of age and Hawaii and Puerto Rico  
14 35 years. They also require longer residency requirements.  
15 Virtually all state constitutions require higher age  
16 qualifications for state officers than for the right to  
17 vote.

18           *Section 4. DUTIES. (1) The executive power of the*  
19 *state is vested in the governor, who shall see that the*  
20 *laws are faithfully executed. He shall have such other*  
21 *duties as are herein provided, and as provided by law.*

22           *(2) The lieutenant governor shall perform the duties*  
23 *delegated to him by the governor, and those provided for*  
24 *him by law, but no power specifically vested in the*  
25 *governor by this constitution may be delegated to the*  
26 *lieutenant governor in this manner.*

27           *(3) The secretary of state shall maintain the official*  
28 *records of the acts of the legislative assembly, and of the*  
29 *executive department, as provided by law. He shall keep*  
30 *the great seal of the state of Montana, and perform any*

1 other duties provided by law.

2 (4) The attorney general shall be the legal officer  
3 of the state, with the duties and powers provided by law.

4 (5) The auditor shall be the custodian of all  
5 fiscal records of the state. He shall be the issuing  
6 officer of all state warrants, with other duties and  
7 powers provided by law.

8 COMMENTS

9 In addition to the language of section 4 proposed by  
10 the majority in subsection (5) we have provided for the  
11 duties of the auditor so this office may be strengthened  
12 and our citizens may be assured there will always be a  
13 completely independent elected auditor, free of political  
14 pressure and responsible to the electorate to protect  
15 their fiscal affairs.

16 The creation of a gubernatorially appointed depart-  
17 ment head as the complete repository of all the state  
18 fiscal and audit functions is an over centralization of  
19 power and an open invitation to corruption. Montana, even  
20 under its present system, has recently experienced two  
21 separate embezzlement type situations. One was uncovered  
22 by the bank examiner's office, the other by the state  
23 auditor's office. Neither were in existence for a  
24 particularly long time nor were the losses particularly  
25 large, before their discovery. Due to the relatively  
26 fast discovery of these transgressions, full restitution  
27 was made possible. Therefore, it is very necessary to  
28 retain internal control. Obviously any system of control,  
29 which vests total control in one person or department, is  
30 not a good system of control, in fact it would invite misuse.

Section 6. VACANCY IN OFFICE. (1) If the office of lieutenant governor becomes vacant by his succession to the office of governor, or by his death, resignation or disability as determined by law, the governor shall appoint a qualified person to hold and serve in that office for the remainder of its term.

(2) If the office of secretary of state, attorney general, auditor, treasurer and superintendent of public instruction becomes vacant by death, resignation or disability as determined by law, the governor shall appoint a qualified person to hold and serve in that office until the next general election, and until his successor is elected and qualified. The person elected to fill such vacancy shall hold the office until the expiration of the term for which the person he succeeds was elected.

## COMMENTS

Here we have inserted in subsection (2) the additional elected officers and deleted subsection (3) that appears in the majority report.

Section 12. PARDONS. The governor shall have the power to grant reprieves, commutations and pardons after conviction, reinstate citizenship and may suspend and remit fines and forfeitures subject to procedures prescribed by law. This action by the governor shall be upon the recommendation of a board of pardons. The legislative assembly shall be law prescribe for the appointment and composition of said board of pardons, its powers and duties; and regulate the proceedings thereof.

COMMENTS

We agree with the majority of the executive committee, except that we feel that it is appropriate to establish constitutionally the board of pardons. The pardon power of the governor is of such importance that it should not be exercised without the prior advice and consultation of a board of lay and professional persons responsible for the state correctional program.

## APPENDIX A

### CROSS REFERENCES

Proposed Section	Present Article & Section
1	VII, 1
2	VII, 2
3	VII, 3
4	VII, 5, 15, 17
5	VII, 4
6	VII, 7, 15, 16
7	VII, 21
8	VII, 7
9	VII, 10
10	VII, 12, 13
11	VII, 11
12	VII, 9
13	VII, 6; XIV, 1
14	VII, 14, 15, 16
Not replaced	VII, 8, 18, 19, 20
Not replaced	XIV, 2, 3, 4, 5
Not replaced	II, 1



## APPENDIX B

### PROPOSALS CONSIDERED BY COMMITTEE

The following delegate proposals were examined and considered by the executive committee during its deliberations;

	<u>Number of Proposal</u>	<u>Chief Sponsor</u>	<u>Subject Matter</u>	<u>Disposition</u>
1.	25	Chet Blaylock	Provides legislature with the opportunity to override post session gubernatorial vetoes by mail.	Rejected
2.	39	Jerome Cate	Provide for a wage commission	Rejected
3.	77	Richard Roeder	Executive Article providing for only the governor and lieutenant governor	Adopted in part
4.	107	Harold Arbanas	Executive Article providing for joint election of the governor, lieutenant governor and attorney general	Adopted in part
5.	110	Goeffrey Brazier	Eliminating number of times a person may succeed himself in office.	Rejected
6	136	Robert Kelleher	Parliamentary form of government.	Rejected

	<u>Number of Proposal</u>	<u>Chief Sponsor</u>	<u>Subject Matter</u>	<u>Disposition</u>
7.	152	Mike McKeon	Repeal Article XIV of the present con- stitution	Adopted in part
8.	170	Archie Wilson	Executive Article retaining con- stitutional officers and boards.	Adopted in part

## APPENDIX C

### WITNESSES HEARD BY COMMITTEE

#### Name - Affiliation - Residence - Subject

1. Forrest H. Anderson - Governor, State of Montana - Helena - Executive Article in general.
2. Richard B. Roeder - Delegate - Bozeman - Proposal 77.
3. William Crowley - Law Professor - Missoula - Reorganization.
4. George Bousliman - Deputy Director, Executive Reorganization - Helena - Reorganization.
5. Robert L. Woodahl - Attorney General, State of Montana - Helena - Office of Attorney General.
6. Frank Murray - Secretary of State - Helena - Office of Secretary of State.
7. Gail M. DeWalt - Deputy, Secretary of State - Helena - Office of Secretary of State.
8. Ernest Steel - Chairman, Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.
9. William Johnson - Director, Public Utilities Department of the Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.
10. Louis G. Boedecker - Commissioner, Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.
11. Alfred Langley - Commissioner, Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.

Name - Affiliation - Residence - Subject

12. William O'Leary - Director, Legal Department, Railroad and Public Service Commission - Helena - Office of Railroad and Public Service Commission.
13. Ted Schwinden - Commissioner of Lands Department - Helena - Office of Lands Department
14. Maj. Gen. John Womack - Adjutant General, State of Montana - Helena - Military Articles in general.
15. Col. Harry Thode - Staff Administrative Assistant, Montana National Guard - Helena - Military Articles in general.
16. John Dowdall - State Examiner - Helena - Office of State Examiner.
17. Mrs. Diane Schladweiler - Montana League of Women Voters - Bozeman - League's position on the Executive Article.
18. E. V. "Sonny" Omholt - State Auditor - Helena - Office of State Auditor.
19. Alex Stephenson - State Treasurer - Helena - Office of State Treasurer.
20. Dean Reed - Deputy Legislative Auditor - Helena - Legislative Audits.
21. Morley Cooper - Chairman, State Board of Equalization - Helena - Functions and duties of State Board.
22. John Alley - Member, State Board of Equalization - Helena - Functions and duties of State Board.
23. Ray Wayrynen - Member, State Board of Equalization - Helena - Functions and duties of State Board.
24. Keith Colbo - Director, Department of Revenue - Helena - Functions and duties of his office.
25. Ed Nelson - Executive Secretary, University System - Helena - Views on Board of Education.
26. Harriet Meloy - Member, Board of Education - Helena - Views on Board of Education.

Name - Affiliation - Residence - Subject

27. Tim Babcock - Former Governor, State of Montana - Helena - Executive Article in general.
28. Tom Judge - Lieutenant Governor, State of Montana - Helena - Duties and recommendations pertaining to the office of Lieutenant Governor.
29. Doyle Saxby - Director, Department of Administration - Helena - Functions and duties relating to department of administration.
30. Don Dooley - Legislative Council office - Helena - Duties pertaining to legislative council.
31. John Peterson - Chairman, Board of Pardons - Butte - Recommendations concerning Board of Pardons.
32. Dolores Colburg - Superintendent of Public Instruction - Helena - Recommendations pertaining to her office.
33. Jack Gunderson - Education Committee, House of Representatives - Power, Montana - His views and recommendation concerning education.
34. Mrs. Rosemary Boschert - Housewife - Eastern Montana - Her views on education.
35. LeRoy Corbin - Montana Federation of Teachers - Butte - Federation of Teachers' stand on education.
36. Chad Smith - Montana School Boards Association - Helena - Association's position regarding education.
37. Geoffrey L. Brazier - Delegate - Helena - Proposal 110.
38. Roy G. Crosby, Jr. - Citizens for Constitutional Government - Missoula - Citizens position on the executive article.
39. Donald A. Garrity - Lawyer - Helena - Testifying on parliamentary form of government.
40. Robert L. Kelleher - Delegate - Billings - Proposal 136.

Name - Affiliation - Residence - Subject

41. Robert Watt - Montana Student Presidents Association - Missoula - Position taken by Association.
42. Miles Romney - Delegate - Hamilton - Proposal 19.
43. Members of the Board of Regents - Their views concerning education.
44. D. D. Cooper - Montana Education Association - Helena - Position taken by MEA concerning education.
45. Sidney T. Smith - Commissioner of the Department of Labor and Industry - Helena - Duties and recommendations concerning department of labor and industry.
46. Harold Arbanas - Delegate - Great Falls - Proposal 107.
47. Betty Babcock - Delegate - Helena - Proposal 170.
48. Archie O. Wilson - Delegate - Hysham - Proposal 170.
49. Jean Anderson - President, Montana League of Women Voters - Billings - League's position on the executive article.
50. Carol Mitchell - Montana Common Cause - Helena - Position taken by Montana Common Cause on executive article.
51. Chet Blaylock - Delegate - Laurel - Proposal 25.
52. Ted James - Former Lieutenant Governor - Great Falls - Recommendations pertaining to office of lieutenant governor.
53. Lee N. Von Kuster - Professor, University of Montana - Missoula - Reasons for appointed state superintendent of public instruction.



Exhibit 6

MAJORITY

ROLL CALL VOTE --- EXECUTIVE COMMITTEE - 41st LEGISLATIVE SESSION 1969

	Date: 2/12 No: Sec. 1	Date: 2/12 No: Sec. 2	Date: 2/12 No: Sec. 3	Date: 2/12 No: Sec. 4	Date: 2/12 No: Sec. 5	Date: 2/12 No: Sec. 6	Date: 2/12 No: Sec. 7	Date: 2/12 No: Sec. 8
Thomas F. Joyce, Chr.	Y	N	N	Y	Y	Y	Y	Y
J. C. Garlington, V.C.	Y	Y	Y	Y	Y	Y	Y	Y
Harold Arbanas	Y	Y	Y	Y	Y	Y	Y	1
Betty Babcock	N	N	N	N	Y	N	Y	Y
James R. Felt	A	A	A	A	A	A	A	A
Fred J. Martin	Y	Y	Y	Y	Y	Y	Y	Y
Richard B. Roeder	Y	Y	Y	Y	Y	Y	Y	Y
Margaret S. Warden	Y	Y	Y	Y	Y	Y	Y	Y
Archie O. Wilson	N	N	N	N	Y	N	N	Y
Total	6	5	5	6	8	6	7	8
Yea								
Nay	2	3	3	2	0	2	1	0
Absent	1	1	1	1	1	1	1	1



MAJORITY

ROLL CALL VOTE		EXECUTIVE				COMMITTEE			
	Date: 2/12 No: Sec.9	Date:2/12 No: Sec.10	Date:2/12 No: Sec.11	Date:2/12 No: Sec.12	Date:2/12 No: Sec.13	Date: 2/12 No: Sec.14	Date: No:		
Thomas F. Joyce ,Chr.	Y	Y	Y	Y	Y	Y			
J.C.Garlington, V.C.	Y	Y	Y	Y	Y	Y			
Harold Arbanas	Y	Y	Y	Y	Y	Y			
Betty Babcock	Y	Y	Y	N	Y	Y			
James R. Felt	A	A	A	A	A	A			
Fred J. Martin	Y	Y	Y	Y	Y	Y			
Richard B. Roeder	Y	Y	Y	Y	Y	Y			
Margaret S. Warden	Y	Y	Y	Y	Y	Y			
Archie O. Wilson	Y	Y	Y	N	Y	Y			
Total	8	8	8	6	8	8			
Nay	0	0	0	2	0	0			
Absent	1	1	1	1	1	1			

## MINORITY

ROLL CALL VOTE ---

## EXECUTIVE

COMMITTEE .

[illegible]

# MINORITY

ROLL CALL VOTE ---

EXECUTIVE COMMITTEE

	Date: 2/12 No: Sec. 9	Date: 2/12 No: Sec. 10	Date: 2/12 No: Sec. 11	Date: 2/12 No: Sec. 12	Date: 2/12 No: Sec. 13	Date: 2/12 No: Sec. 14	Date: No:
Thomas F. Joyce, Chr.	N	N	N	N	N	N	
J.C. Garlington, V.C.	N	N	N	N	N	N	
Harold Arbanas	N	N	N	N	N	N	
Betty Babcock	N	N	N	Y	N	N	
James R. Felt	A	A	A	A	A	A	
Fred J. Martin	N	N	N	N	N	N	
Richard B. Roeder	N	N	N	N	N	N	
Margaret S. Warden	N	N	N	N	N	N	
Archie O. Wilson	N	N	N	Y	N	N	
Total	0	0	0	2	0	0	
Yea							
Nay	8	8	8	6	8	8	
Absent	1	1	1	1	1	1	

